

JUDGE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY EVANS JACKSON,

Defendant.

NO. CR03-0498 FDB

DECLARATION OF JAMES KLEVEN
IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS

Gary Jackson, defendant, by his attorney, Brian Tsuchida, hereby submits the attached signed declaration of James B. Kleven in support of his motion to dismiss which was filed on June 1, 2004.

DATED this 2nd day of June, 2004.

Respectfully submitted,

s/ Brian Tsuchida
Bar No. 14886
Assistant Federal Public Defender
Attorney for Gary Evans Jackson
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DECLARATION OF JAMES KLEVEN IN SUPPORT
OF DEFENDANT'S
MOTION TO DISMISS - 1
(GARY EVANS JACKSON) - CR03-0498FBD

FEDERAL PUBLIC DEFENDER
1601 Fifth Avenue, Suite 700
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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

John Lulejian
Assistant United States Attorney
601 Union Street, Suite 5100
Seattle, Washington 98101-3903

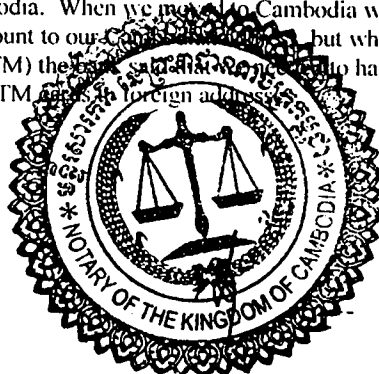
Susan Dohrmann
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s/Brian Tsuchida
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DECLARATION OF JAMES B. KLEVEN

The undersigned states and declares as follows:

1. My name is James Barry Kleven. I am 62 years old, and an American citizen living abroad in Phnom Penh, Cambodia. I have known Gary Jackson for over 25 years, and I have lived with him for most of those years. Gary and I owned a home together on Vashon Island. After selling this home, we purchased a 46-foot sailboat and lived together aboard the boat for many years, until selling it in October, 2001, in anticipation of our moving permanently to Cambodia.
2. Gary Jackson and I had long desired to move permanently to Thailand upon retiring. We made our first visit to Thailand in 1995, and with the exception of 1999, we returned to visit each year through the year 2000. That year, Gary and I visited Cambodia for the first time, and we were very impressed by the soul and indomitable spirit of the Cambodian people. Gary and I returned to Cambodia in March of 2001, and we then made the decision to move to that country to retire, rather than Thailand.
3. While in Cambodia in the Spring of 2001, I met a Khmer (Cambodian) motor taxi driver named Kuor Polan who acted as our guide. Polan's son was ill and in the hospital at the time. I gave Polan financial assistance to help him and his family through this difficult time, and we began an e-mail correspondence upon Gary's and my return to the United States. I returned to Cambodia alone in August of 2001, and Kuor Polan introduced me to his family, including his son who was now out of the hospital.
4. Gary's and my original intention was to move to Cambodia in July of 2003. The terrorist attack of September 11, 2001 drastically changed our plans, speeding them up. In the few weeks that followed Gary and I decided to move to Cambodia as soon as possible. We sold our sailboat in October of 2001, through a broker at Gig Harbor Yacht Sales in Gig Harbor, Washington.
5. On November 7, 2001, Gary Jackson and I left the United States for good, flying to Thailand, where we stayed for two months. In January 2002, Gary and I moved to Phnom Penh, Cambodia.
6. In September of 2001 we had given Kuor Polan money to buy the home in which we currently live. In October 2001 we helped Polan purchase the lot next door to the home. Under Cambodian law, only Cambodian citizens are allowed to own property, which is why the home is in Kuor Polan's name. In a Buddhist ceremony in January 2002, Gary and I were accepted into Polan's family and ever since they have done everything they can to make Gary and I feel that we are part of the family.
7. Since leaving the United States on November 7, 2001, neither Gary nor I had any plans to return, and neither of us ever did return. Neither of us own real property in the United States, and neither of us have any personal property remaining in the United States. Prior to moving to Cambodia, we shipped what personal property we wished to retain on ahead of us. The property we no longer wanted was either sold or given to charity.
8. The only link that Gary and I have to the United States is a joint account with Washington Mutual Bank. We maintained this account for the sole reason of having a U.S. bank where Gary's marine carpenter's pension could be directly deposited. Gary and I have our main bank account at the Foreign Trade Bank here in Phnom Penh.
9. The monthly statement for the Washington Mutual account is mailed to a friend's address in Seattle and then forwarded to us at our permanent address here in Phnom Penh: P.O.Box 2414, Phnom Penh 3, Cambodia. When we moved to Cambodia we changed to the address on the Washington Mutual account to our Cambodian address, but when it came time to renew Gary's VISA debit card (ATM) the bank said that we needed to have it sent to a U.S. address because they did not send ATM cards to foreign addresses.

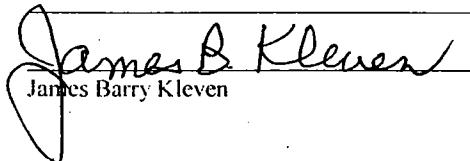


10. Since moving permanently to Cambodia in January of 2002, I have found work teaching English at the Asia Pacific University here in Phnom Penh. Gary was not employed at a regular job, but had a wood shop at our home, and was often commissioned to make furniture for others.
11. Gary and I had planned on applying for Cambodia citizenship which one can do after residing in the country for five years. We are legal residents of Cambodia, as both of us obtain renewable 12-month business visas to remain in the country.
12. I continue to reside at my home here in Phnom Pen, Cambodia along with the following:

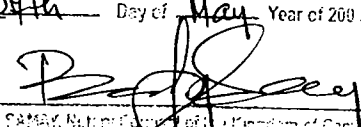
Kuor Polan
Chhorn Manau, Polan's wife
Kuor Poli, Polan & Manau's son
Kuor Maneth, Polan & Manau's son
Chhorn Kunthy, Manau's brother
Chan Yim, Polan's older aunt
Sok Polorm, Yim's daughter
To Yan, Polorm's husband
To Konkea, Polorm & Yan's daughter
To Sreyya, Polorm & Yan's daughter
Chan Chantha, Polan's younger aunt
Nouch Kop, Chantha's husband
Seu Veasna, Chantha & Kop's son
Seu Davide, Chantha & Kop's daughter
Khen Neang, Polan's cousin
Mom Rett, Neang's husband
Mom Viriak, Neang and Rett's son
Mom Phut, Neang and Rett's daughter
Mom Leap, Neang and Rett's son

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 27th day of May, 2004


James Barry Kleven



ព្រះសម្ព័ន្ធមហាស្ថាន គេចម្ចាស់ស្នាក់នៅ
SUBSCRIBED AND SWORN TO BEFORE THE NOTARY COUNSEL
This 24th Day of May Year of 200 4

DENSON CAMAY, Notary Counsel of the Kingdom of Cambodia
គេចម្ចាស់ ស្នាក់នៅ ព្រះសម្ព័ន្ធមហាស្ថាន គេចម្ចាស់
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